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J. Lawrence  
Civ. Pers.**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-186200

DATE: January 27, 1977

**MATTER OF:** John F. Fields - Return to duty station on  
nonworkdays from temporary duty assignment

**DIGEST:** Employee was directed to return from temporary duty assignments to his permanent duty station on nonworkdays on two occasions. Employee may be reimbursed total travel expenses although total exceeds per diem that would have been payable had employee remained at temporary duty station since agency has discretion to order return, excess costs are small, and employee performed work at headquarters on one occasion.

This action concerns a request for an advance decision dated March 24, 1976, by Mrs. Mary M. Rydquist, an authorized certifying officer for the United States Department of the Interior, Bureau of Land Management at the Denver Service Center. She asks whether she may certify for payment a reclaim travel voucher for \$37.48 submitted by John F. Fields, representing travel costs incurred by him incident to his return to his official duty station from his temporary duty (TDY) station on 2 weekends in November 1975 which exceed the subsistence that would have been allowable had he remained at his temporary duty station.

The record indicates that Mr. Fields, whose official duty station is Missoula, Montana, performed temporary duty at Billings, Montana, as follows:

<u>Dates</u>	<u>Purpose</u>
Nov. 4-7, 1975	Attend District Managers and Advisory Board Meeting
Nov. 10-21, 1975	Participate in Montana Management Study
Nov. 23-24, 1975	EEO Workshop

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During the course of these temporary duty assignments, Mr. Fields returned to Missoula, Montana, twice on nonworkdays. It was for that reason that the disallowance of \$37.48 was made; the calculation of this amount follows:

Claimed:

Air Fare	11/7-10/75	\$ 76.74
Air Fare	11/21-23/75	76.74
		<u>\$153.48</u>

Allowed:

Per Diem Sat. - Mon., 11/8-10/75	2 1/4 days @ \$29.00	= \$ 65.25
Per Diem Sat. - Sun., 11/22-23/75	1 3/4 days @ \$29.00	= 50.75
		<u>\$116.00</u>

\$153.48
- 116.00
<u>\$ 37.48</u>

Mr. Fields then submitted his reclaim voucher for \$37.48. He states that the travel on November 7 and 10 was proper since his attendance at a meeting in Billings was not required until 1 p.m. on November 10, and he performed work at his official station on the morning of that day. No work was performed by Mr. Fields at his official duty station in connection with his return to Missoula on November 21. However, he states that he was required to return to his official duty station on November 7 and 21 by the State Director and to remain at Billings on the weekend beginning November 14. The State Director has verified Mr. Fields' statements and approved the travel in question.

Mrs. Rydquist cites Federal Travel Regulations (FPMR 101-7) para. 1-7.5c (1973) concerning return to official headquarters on nonworkdays. She asks the following specific questions concerning the application of that regulation:

- "1. May the reclaim of \$37.48 be certified for payment since the State Director 'required' that Mr. Fields return to his official station on each of the 2 weekends without the performance of official duty?

- "2. Does the term 'administrative discretion' require any further justification than the signed approval?
- "3. Do the regulations as presently written allow 'administrative discretion' to include returning employees to their official station on nonworkdays for personal convenience during lengthy temporary duty assignments?
- "4. If the answer to No. 3 is affirmative, what constitutes lengthy assignments?"

Paragraph 1-7.5c, FTR, provides:

"Return to Official Station on Nonworkdays.  
At the discretion of the administrative officials, a traveler may be required to return to his official station for nonworkdays. In cases of voluntary return of a traveler for nonworkdays to his official station, or his place of abode from which he commutes daily to his official station, the reimbursement allowable for the round-trip transportation and per diem en route will not exceed the per diem and any travel expense which would have been allowable had the traveler remained at his temporary duty station."

That regulation gives reasonable discretion to Government agencies to direct employees who are working at temporary duty stations to return to their permanent duty stations for nonworkdays. Accordingly, when an employee is properly directed to return to his permanent duty station for nonworkdays, the cost of such return may be paid by the agency even though it exceeds the cost which would have been incurred had the employee remained at his temporary duty station. We do not believe, however, that the discretionary authority contained in paragraph 1-7.5c may be interpreted by an agency to require an employee to return to his permanent duty station on nonworkdays in the absence of official duties, without a cost analysis justification,

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where the cost of such travel substantially exceeds the costs which would have been incurred had the employee remained at his temporary duty station. Cf. B-130082 below.

In the instant case Mr. Fields has been paid travel expenses based on the constructive per diem that he would have been entitled to had he remained at Billings. The additional travel cost in excess of such amount resulting from the directed return travel is relatively small, \$18.74 for each trip. Also, Mr. Fields actually performed work at his official station in connection with one of the return trips. Under such circumstances the voucher may be certified for payment if otherwise proper.

Regarding the second question concerning the exercise of administrative approval, it is our opinion that payment of return transportation costs in excess of the costs which would otherwise have been incurred should be supported by evidence that the employee involved was directed by an appropriate official to return to his permanent duty station on the days in question. This may be in the form of a statement attached to the voucher, as in the present case, or an authorization in the travel order.

Questions 3 and 4 are hypothetical, and therefore, no decision will be rendered regarding them. However, we point out that decision B-130082, July 20, 1976, 55 Comp. Gen. \_\_\_\_, covers in a general way the questions raised. That decision holds that an agency may allow employees on extended temporary duty assignments to return to their official stations for personal convenience when justified by a cost analysis.

Deputy

  
Comptroller General  
of the United States